

COUNTY *of*
CUMBERLAND
VIRGINIA

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Catherine Kahl, M.U.E.P.
*Planning & Zoning
Administrator*
ckahl@cumberlandcounty.virginia.gov

Sandra Everson-Jones
Assistant Zoning Administrator
severson-
jones@cumberlandcounty.virginia.gov

P.O. Box 110
Cumberland, VA 23040
(804) 492-3520 Phone
(804) 492-3697 Fax

Planning Commission

District 1
Patrick Smook

District 2
Keith Oulie, DDS

District 3
William C. Burger, Vice Chair

District 4
David Brown

District 5
Roland Gilliam

At Large
Parker Wheeler, Chair

At Large
Irene Speas

William "Bill" Osl
Board of Supervisors - Liaison

**MINUTES OF THE
CUMBERLAND COUNTY PLANNING COMMISSION
PUBLIC HEARING**

**Cumberland County Old Clerks' Office
Cumberland, Virginia
February 27, 2006, 7:00 P.M.**

Present: Patrick Smook, District 1
Keith Oulie, District 2
Bill Burger, Vice-Chair, District 3
David Brown, District 4
Roland Gilliam, District 5
Irene Speas, At-Large
Prker Wheeler, Chairman, At-Large
Bill Osl, Board Liaison

Also Present: Catherine Kahl, Clerk of the Commission
Darvin Satterwhite, County Attorney

Press: Jason Norton, Farmville Herald
Bill Smith, Cumberland Bulletin

The meeting was called to order, the roll called, and a quorum established.

A motion was made by Commissioner Burger and seconded by Commissioner Speas to accept the minutes of February 6, 2006, and they were unanimously accepted.

A motion was made by Commissioner Burger and seconded by Commissioner Brown to accept the minutes of January 24, 2006, and they were unanimously accepted with 2 changes.

The Capital Improvement Projects (CIP) Public Hearing was opened, and no one had signed up to speak. The Public Hearing portion was then closed.

The CIP listing was then discussed by the Commission, and after a motion by Commissioner Smook, and a second by Commissioner Gilliam, was unanimously accepted with the change of "heads" to "representatives."

The Public Hearing for Amendment to Chapter 74, 12(B), Article I regarding referrals from the Board of Supervisors to the Planning Commission was opened and there being no persons signed up to speak, was closed. Commissioner Burger made a motion to accept and send the amendment to the Board of Supervisors, which was seconded by Commissioner Brown, and unanimously approved. It will now go to the Board of Supervisors for Public Hearing.

Under Public comments, Cathy Charleston of Cumberland stated she has lived next to the area proposed for rezoning for 24 years. She and her husband have walked the land and know the entire area very well. She said there is an old abandoned coal mine on it and the narrow gauge rail bed from the railroad tracks that were once there to move the coal. She also stated there is a registered archeological dig site. She stated that the land does not perc, and there is a substation power line on the property.

There being no other speakers, the Public Comment portion of the meeting was closed.

The rezoning request of Southern Land Services (REZ# 6-02-01 re: TM# 103-A-15A, 109-A-1, 2, 3 and 4)) on behalf of Seidenfeld Realty, was presented by Ms. Kahl. The project's engineer, Mr. S. Rogers was available to answer questions regarding the rezoning application. The proposal seeks to change the current A-2 Zoning District to multiple use (R-2M, B-2 and B-3). Included was the request to permit 55 residential lots in the R2-M zone permitting 4- and 6-unit townhouses.

Discussion began with a question from Commissioner Speas asking if the R-2M permitted 6-family units. Ms. Kahl answered that she believed that it does. Commissioner Burger then asked if the market would support 220 new townhouses for families in this area. Mr. Rogers stated that he was unsure of what had been done to come up with current dwelling unit numbers. It was also asked what the current sewer capacity would be with Farmville for a project of this size. This additional information is to be provided by the applicant. Commissioner Smook asked if we were looking for this much residential growth – there didn't seem to be much business development in the plan as presented. He also asked for a description of Phase I.

Mr. Rogers replied that the submitted drawing is conceptual, and could change – depending on what the county wanted. He described the first phase as building roads and laying out lots.

Commissioner Berger asked about the selling of home sites and homes. Commissioner Speas stated that the roads do not give adequate access – there is only one way in and out. This will be problematic for emergency vehicles should the need arise.

Chairman Wheeler expressed his concern about not enough commercial development in the project – after earlier understandings from discussions with the applicants involving this issue. The county is more interested in commercial as opposed to residential development at this time, due to the impact on county resources from residential development.

Mr. Rogers replied that new houses did not actually mean more children. Many of these would be for older citizens.

Mr. Osl disagreed, stating that new houses DID mean more children, which costs the county more in resources (\$3 for every \$1 in tax revenue).

Commissioner Burger was concerned over the speculative nature of the planned development. Mr. Rogers replied that they could not afford a more fully conceptualized plan unless the county supports the development through rezoning. They are willing to work with the BOS and PC in giving them what is required to get the project off the

ground. They are willing to meet the proffer requirements, and add more commercial and business options, if that is what the county wants.

Commissioner Oulie expressed concern about what would happen if 300 units of housing were allowed and the business side went bust? He also wanted to know if there has been interest in the proposed businesses.

Mr. Rogers stated that there had been some conversation with businesses, but nothing concrete had been decided.

Mr. Osl stated what was in front of the development is the most intense use of the land. The message to Mr. Seidenfeld is that we do not want primarily residential and this is what we are seeing. He also suggested the possibility of a retirement community targeting a specific age group, and thought these suggestions had been covered in earlier meetings. In the area of mixed use concepts, the county can help.

Chairman Wheeler stated that the proposal needed to be revised and could then be reconsidered.

Mr. Rogers asked what ideally they wanted to see, and again stated that the developers can be very flexible.

Mr. Osl suggested they put together a plan that was more concrete and less conceptual, whether it dealt with a retirement community or other types of housing, and they should consider how to work with the existing industrial park. The county is receptive to a business park and housing on some level.

Mr. Rogers thanked the Commission for being willing to work with them, and he would be back.

The next item on the agenda concerned a nuisance ordinance for domestic animals in residential areas. There is no current code addressing nuisance barking and the number of animals allowed in a residential zone. Chairman Wheeler asked Mr. Osl why they are asked to consider this question, and what weight it should be given among the other issues in front of the Commission. Mr. Osl gave an overview of citizen complaints that the BOS had received about barking dogs. Ms. Kahl explained that the Board had requested the Planning Commission to consider possible ordinance changes regarding barking and if there should be a limit on animals in a residential zone. Included in their packet were examples of dog nuisance ordinances from several counties and cities.

Commissioner Burger stated his position that dog barking is a problem of animal control and should be addressed by them. He did not believe that this issue should be addressed by the Planning Commission. He also stated that the number of animals allowed in a zoning district is within the guidelines of the Planning Commission, and that this could be considered at a later date. Other Commissioners and Mr. Osl agreed. Mr. Osl then stated that the County Attorney, Darvin Satterwhite, should research rural nuisance dog ordinances and draft a resolution the BOS could review.

The newly revised Comprehensive Plan citizen telephone surveys were discussed. The Planning Commission liked the James City County survey and asked that the Cumberland

survey be reworked with this survey as a guide. After changes are made, it is to be reviewed at the next regular meeting on March 20.

Commissioner Comments:

Commissioner Smook: Talk with developer's representative went well and he is looking forward to the next presentation for this project.

Mr. Osl: Need to have a talk with Sherry Swinson regarding marketing information on retirement communities.

Commissioner Brown: Likes the idea of a retirement community because there is a need for it.

Future workshops were then discussed and dates set for March 6 on Purchase of Development Rights, March 14 (Joint BOS/PC meeting - Covance CUP), March 20 for regular meeting date, and tentatively March 27 for a land use workshop.

There being no further business to discuss, Commissioner Gilliam made a motion to adjourn, followed by a second from Commissioner Burger, and the motion was unanimously approved.

Attested:

_____	_____
Parker Wheeler, Planning Commission Chair	Date

_____	_____
Catherine Kahl, Clerk of the Commission	Date